

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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RAYMOND E. GOSSELIN,

Plaintiff,

-against-

SHEET METAL WORKERS' NATIONAL  
PENSION FUND,

Defendant.

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MEMORANDUM OF  
DECISION & ORDER

2:16-cv-04391 (ADS)(AKT)

FILED  
CLERK

4/18/2019 3:28 pm

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE

**APPEARANCES:**

**Frumkin & Hunter LLP**

*Attorneys for the Plaintiff*

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By: Nicholas Christakos, Esq.,

**SPATT, District Judge:**

On August 5, 2016, plaintiff Raymond Gosselin (the "Plaintiff") commenced this action under the Employee Retirement Income Security Act, 29 U.S.C. §§ 1132 *et seq.* ("ERISA"), challenging the determination of the Sheet Metal Workers' National Pension Fund (the "Defendant" or "the Fund") which denied him certain retirement benefits to which he claims he is entitled.

The parties cross-moved for summary judgment and the Court referred both motions to United States Magistrate Judge A. Kathleen Tomlinson for a recommendation as to whether the motions should be granted.

On March 4, 2019, Judge Tomlinson issued a Report and Recommendation (“R&R”) that the Court deny the Plaintiff’s motion for summary judgment and grant the Defendant’s motion for summary judgment. Judge Tomlinson electronically served a copy of the R&R on all parties the same day.

By motion of the Plaintiff, the court extended the time to file objections to the R&R to April 1, 2019. It has been more than fourteen days since the passage of that deadline, and over a month and a half since the service of the R&R. The parties have not filed objections at this point in time.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. *See Coburn v. P.N. Fin.*, No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at \*1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the R&R is adopted in its entirety. The Court grants the Defendant’s motion for summary judgment and denies the Plaintiff’s motion for summary judgment. The Clerk of the Court is respectfully directed to close this case.

**SO ORDERED.**

Dated: Central Islip, New York

April 18, 2019

/s/ Arthur D. Spatt

ARTHUR D. SPATT

United States District Judge